



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO VIRGINIA TRUE CORPORATION FOR VIRGINIA TRUE GOLF COURSE Unpermitted Facility

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the State Water Control Board and Virginia True Corporation regarding the Virginia True Golf Course in Richmond County, Virginia for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "2014 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2014 and which expires on June 30, 2019.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

3. "Construction activity" means any clearing, grading or excavation resulting in land disturbance of equal to or greater than one acre, or disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Discharge" means the discharge of a pollutant.
7. "Discharge of a pollutant" means:
 - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - b. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
8. "Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in Va. Code § 62.1-44.15:34.
9. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
10. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
11. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
12. "Registration Statement" means a registration statement for coverage under the 2014 Permit.
13. "Site" means the Virginia True Golf Course located in Richmond County, Virginia, from which discharges of stormwater associated with construction activity occur.
14. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.

15. “State Waters” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
16. “Stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage. Va. Code § 62.1-44.15:24.
17. “Stormwater management plan” means a document or series of documents containing material describing methods for complying with the requirements of a VSMP or the VSMP Regulations. 9 VAC 25-870-10.
18. “Virginia Stormwater Management Act” means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Va. Code.
19. “Va. Code” means the Code of Virginia (1950), as amended.
20. “VAC” means the Virginia Administrative Code.
21. “VЕСP authority” means an authority approved by the board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia. 9 VAC 25-870-10.
22. “Virginia True” means Virginia True Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Virginia True is a “person” within the meaning of Va. Code § 62.1-44.3.
23. “VPDES” means Virginia Pollutant Discharge Elimination System.
24. “VSMP” means the Virginia Stormwater Management Program, which is a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:24.
25. “VSMP authority” means an authority approved by the Board after September 13, 2011, to operate a VSMP or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or for linear

projects subject annual standards and specifications in accordance with subsection B of § 62.1-44.15-31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. Va. Code § 62.1-44.15:24.

26. “VSMP Regulations” means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.

27. “Warning Letter” or “WL” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. Virginia True is the owner and operator of the Site located in Richmond County, Virginia, from which stormwater associated with construction activity is discharged.
2. DEQ is the VSMP authority for the Site.
3. Richmond County is the VESCP authority for the Site.
4. Stormwater from construction activities at the Site is discharged to the Rappahannock River, which is a surface water located wholly within the Commonwealth and is a “state water” under the State Water Control Law.
5. Richmond County issued a stop work order for the Site on November 30, 2017.
6. During inspections on December 18, 2017 and February 2, 2018, DEQ staff observed the following:
 - a. Land-disturbing activities greater than one acre had occurred in areas subject to stormwater runoff without 2014 Permit coverage or VSMP authority approval.

Va. Code § 62.1-44.15:34(A) states in part that: “A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance.”
 - b. There was no approved erosion and sediment control plan for the Site.

Va. Code § 62.1-44.15.55 states “Except as provided in § 62.1-44.15.56 for state agency and federal agency land-disturbing activities, no person shall engage in any land disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved.”

9 VAC 25-870-54(B) of the VSMP Regulations states: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations."

- c. There was no approved stormwater management plan for the Site.

Va. Code § 62.1-44.15:34(A) states in part: "A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance."

9 VAC 25-870-54(C) states: "A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority."

- d. Temporary stabilization was not applied within seven days to denuded areas that remained dormant for longer than fourteen days.

9 VAC 25-840-40(1) of the Erosion and Sediment Control Regulations states: "Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days."

9 VAC 25-870-54(B) states in part: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities."

- e. Sediment trapping measures and perimeter controls were not installed at the Site prior to upslope land disturbance. After the land-disturbance occurred, silt fence was installed around portions of the perimeter of the Site. However, the silt fence was not properly installed or maintained.

9 VAC 25-840-40(4) states: "Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land disturbing activity and shall be made functional before upslope land disturbance takes place."

9 VAC 25-840-60(A) of the Erosion and Sediment Control Regulations states: "All erosion and sediment control structures and systems shall be maintained,

inspected and repaired as needed to insure continued performance of their intended function.”

9 VAC 25-870-54(B) states: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

7. During inspections on March 23, 2018 and March 30, 2018, DEQ staff observed the following:

- a. Land-disturbing activities greater than one acre had occurred in areas subject to stormwater runoff without 2014 Permit coverage or VSMP authority approval. Virginia True submitted a permit application to DEQ on March 9, 2018.

Va. Code § 62.1-44.15:34(A) states in part that: “A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance.”

- b. There was no approved erosion and sediment control plan for the Site. A revised erosion and sediment control plan was submitted to the VESCP authority on March 21, 2018.

Va. Code § 62.1-44.15.55 states “Except as provided in § 62.1-44.15.56 for state agency and federal agency land-disturbing activities, no person shall engage in any land disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved.”

9 VAC 25-870-54(B) of the VSMP Regulations states: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

- c. There was no approved stormwater management plan for the Site. A stormwater management plan was submitted to DEQ on March 15, 2018 and was under review.

Va. Code § 62.1-44.15:34(A) states in part: “A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance.”

9 VAC 25-870-54(C) states: “A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority.”

- d. Temporary stabilization was not applied within seven days to denuded areas that remained dormant for longer than fourteen days. On March 23, 2018 DEQ staff observed no seed and minimal straw on the site. During the March 30, 2018 inspection, DEQ staff observed that seed had been applied on the site and straw had been sparsely applied, which was ineffective for stabilization.

9 VAC 25-840-40(1) of the Erosion and Sediment Control Regulations states: “Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days.”

9 VAC 25-870-54(B) states in part: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities.”

- e. Sediment trapping measures and perimeter controls were not installed at the Site prior to upslope land disturbance. After the land-disturbance occurred, silt fence was installed around portions of the perimeter of the Site. However, the perimeter controls were insufficient to prevent sediment laden stormwater runoff from exiting the disturbed areas where upslope land-disturbance had occurred.

9 VAC 25-840-40(4) states: “Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land disturbing activity and shall be made functional before upslope land disturbance takes place.”

9 VAC 25-870-54(B) states: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

- f. Control measures, including silt fence, were minimally effective and were not properly installed or maintained. Silt fence was not entrenched, sections were detached from the post, and sediment was built up along the fence.

9 VAC 25-840-60(A) of the Erosion and Sediment Control Regulations states: "All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function."

9 VAC 25-870-54(B) states: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations."

- 8. During an inspection on April 11, 2018, DEQ staff observed the following:

- a. There was no approved stormwater management plan for the Site. A stormwater management plan was submitted to DEQ on March 15, 2018 and was under review.

Va. Code § 62.1-44.15:34(A) states in part: "A person shall not conduct any land-disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance."

9 VAC 25-870-54(C) states: "A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority."

- b. Temporary stabilization was not applied within seven days to denuded areas that remained dormant for longer than fourteen days. Vegetation was growing on portions of the Site. However, in other areas, seed had been applied and straw had been sparsely applied, which was ineffective for stabilization.

9 VAC 25-840-40(1) of the Erosion and Sediment Control Regulations states: "Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days."

9 VAC 25-870-54(B) states in part: "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control

Law and regulations must be designed and implemented during construction activities.”

- c. Sediment trapping measures and perimeter controls were not installed at the Site prior to upslope land disturbance. After the land-disturbance occurred, silt fence was installed around portions of the perimeter of the Site. However, the perimeter controls were insufficient to prevent sediment laden stormwater runoff from exiting the disturbed areas where upslope land-disturbance had occurred.

9 VAC 25-840-40(4) states: “Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land disturbing activity and shall be made functional before upslope land disturbance takes place.”

9 VAC 25-870-54(B) states: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

- d. Control measures, including silt fence, were minimally effective and were not properly installed or maintained. Silt fence was not entrenched, sections were detached from the post, and sediment was built up along the fence.

9 VAC 25-840-60(A) of the Erosion and Sediment Control Regulations states: “All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function.”

9 VAC 25-870-54(B) states: “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

- 9. The Department has not issued coverage under any permit or certificate to Virginia True.
- 10. PRO issued a Warning Letter and Notices of Violation for the violations noted above as follows: WL No. 2017-12-P-302, issued December 20, 2017; NOV No.2018-02-PRO-201 issued February 15, 2018; and NOV No. 2018-04-PRO-201, issued April 4, 2018.
- 11. Based on the results of the December 18, 2017, February 2, 2018, March 23, 2018, March 30, 2018, and April 11, 2018 inspections and file reviews, the Board concludes that Virginia True violated Va. Code § 62.1-44.15:34(A), Va. Code § 62.1-44.15:55, 9

VAC 25-840-40(1), 9 VAC 25-840-40(4), 9 VAC 25-840-60(A), 9 VAC 25-870-54(B), and 9 VAC 25-870-54(C), as described in paragraphs C(6)-(8) of this Order.

12. Virginia True responded to the inspection reports, Warning Letter and Notices of Violation via email and phone and provided corrective actions it planned to take to address the violations.
13. On February 28, 2018, Department staff met with representatives of Virginia True to discuss the violations.
14. On March 15, 2018, Virginia True submitted a stormwater management plan to the Department.
15. On April 9, 2018 Richmond County approved the erosion and sediment control plan for the Site, correcting 6(b) and 7(b).
16. On April 13, 2018, the Department sent Virginia True comments on its stormwater management plan.
17. On April 27, 2018, Department staff met with representatives of Virginia True at the Site to discuss the violations and corrective actions. During the visit, DEQ staff observed that vegetation was growing on most of the Site, but there were a few areas that still needed stabilization.
18. In order for Virginia True to return to compliance, DEQ staff and Virginia True have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, the Board orders Virginia True and Virginia True agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$42,000 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Virginia True shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Stormwater Management Fund. If the Department has to refer collection of moneys due under this Order to the Department of Law, Virginia True shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Virginia True for good cause shown by Virginia True, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 et seq., after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in WL No. 2017-12-P-302, dated December 20, 2017, NOV No. 2018-02-PRO-201 dated February 15, 2018, and NOV No. 2018-04-PRO-201 dated April 4, 2018. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Virginia True admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Virginia True consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Virginia True declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Virginia True to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Virginia True shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Virginia True shall demonstrate that such

circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Virginia True shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Virginia True. Nevertheless, Virginia True agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Virginia True has completed all of the requirements of the Order;
 - b. Virginia True petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Virginia True.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Virginia True from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Virginia True and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Virginia True certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Virginia True to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Virginia True.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Virginia True voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2018.

Jefferson Reynolds, Enforcement Director
Department of Environmental Quality

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Virginia True Corporation voluntarily agrees to the issuance of this Order.

Date: MAY 31, 2018 By: [Signature], EXECUTIVE VICE PRESIDENT
(Person) (Title)
Virginia True Corporation

state of New York
~~Commonwealth of Virginia~~
City/County of New York

The foregoing document was signed and acknowledged before me this 31ST day of
MAY, 2018, by HOWARD KLEINHENDLER who is
EXECUTIVE VICE PRESIDENT of Virginia True Corporation on behalf of the corporation.

[Signature]
Notary Public
02WE6282112
Registration No.



My commission expires: 5/20/21
Notary seal:

APPENDIX A

SCHEDULE OF COMPLIANCE

1. Unpermitted Land-Disturbing Activity

- a. Virginia True shall immediately cease all land disturbing activities at the Site until 2014 Permit coverage has been obtained for discharges of stormwater from construction activities. However, this requirement shall not apply to land-disturbing activities necessary for corrective measures required by this Order or the Virginia Erosion and Sediment Control Law and Regulations.

2. Stormwater Management Plan

- a. By May 31, 2018 Virginia True shall submit to DEQ, for review and approval, a revised stormwater management plan for the Site consistent with the requirements of the VSMP Regulations.
- b. Virginia True shall respond to any comments from DEQ regarding the stormwater management plan within 14 days from the date of the comments.
- c. Upon approval, Virginia True shall immediately implement the stormwater management plan.

3. Erosion and Sediment Control

- a. Upon approval by Richmond County, Virginia True shall immediately implement the erosion and sediment control plan.
- b. By May 31, 2018, Virginia True shall apply stabilization to the Site in accordance with 9 VAC 25-840-40(1). If the stabilization measures are not effective, Virginia True shall re-apply stabilization as necessary to ensure there is a uniform, effective cover.

4. Weekly Reports

- a. Virginia True shall submit weekly reports to DEQ. The reports shall be due each Monday, beginning May 28, 2018. The weekly reports shall include (1) a summary of the work completed since the previous report, (2) work that is anticipated to occur for the next reporting week, (3) an update on the current state of site stabilization, (4) any major issues identified at the Site, and (5) pictures that are representative of Site activities and the status of stabilization.

5. **DEQ Contact**

Unless otherwise specified in this Order, Virginia True shall submit all requirements of Appendix A of this Order to:

Kristen Sadtler
Water Enforcement Manager
VA DEQ - Central office
P.O. Box 1105
Richmond, VA 23218
804-698-4149
Kristen.Sadtler@deq.virginia.gov